

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

David Eric Yellen

Case No.

Case: 2:23-mj-30227

Assigned To : Unassigned

Assign. Date : 6/2/2023

Description: RE: DAVID ERIC
YELLEN (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 11, 2023 through June 1, 2023 in the county of Oakland and elsewhere in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2252A(a)(2)

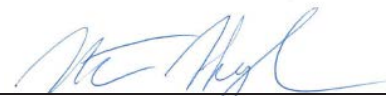
Distribution of child pornography

18 U.S.C. § 2252A(a)(5)(B)

Possession of child pornography

This criminal complaint is based on these facts:

see attached affidavit.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: June 2, 2023City and state: Detroit, Michigan*Complainant's signature*Matthew R. Hughes, Special Agent (FBI)*Printed name and title**Judge's signature*Hon. David R. Grand, United States Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Matthew R. Hughes, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent of the FBI since October 2019 and am currently assigned to the FBI Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, post Academy training, and everyday work related to conducting these types of investigations.

2. I have received training in the area of child pornography and child exploitation and have reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 2252A. I am authorized by law to request a arrest warrant.

3. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **David Eric Yellen** (date of birth **/**/1964) for

violations of 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(B) (distribution and possession of child pornography).

4. The statements contained in this affidavit are based in part on information provided by U.S. federal law enforcement agents, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents/officers, information gathered from investigative sources of information, and my experience, training, and background as a special agent. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that David Eric Yellen (“Yellen”) has violated 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(B).

PROBABLE CAUSE

5. On May 11, 2023, while conducting an investigation related to BitTorrent, a peer-to-peer file sharing program that is sometimes used to exchange child pornography between users, I identified a computer using Internet Protocol (IP) address 69.14.114.235 (Subject Computer) as a potential download candidate because 14 files of investigative interest were observed. A file of investigative interest is defined as a file associated with keywords or hash values related to material consistent with the federal definition of child pornography.

6. On May 11, 2023, I downloaded images consistent with names used for files containing child pornography. I was able to view 13 files downloaded directly from the device using IP address 69.14.114.235.

7. I reviewed the files that were downloaded from the device using IP address 69.14.114.235 on May 11, 2023 and found many of the files appear to depict real minor children engaged in sexually explicit conduct, including, but not limited to, the lascivious display of the genital or pubic area of any person. Specifically, 10 of the images displayed a prepubescent female dressed in a bathing suit posed in a sexually suggestive manner. One of the images displayed two pre-pubescent females posed bare-chested in a sexually suggestive manner. Two of the images displayed prepubescent females with their genitals exposed to the camera. The two images met the federal definition of child pornography.

8. On May 23, 2023, I received the results from an administrative subpoena sent to Wide Open West for the dates and times the files of child pornography were downloaded. Based on the information provided by Wide Open West, IP address 69.14.114.235 was assigned to David Yellen at his residence in Royal Oak, Michigan.

9. A search of Michigan Secretary of State records indicated that David Yellen has an active driver's license registered to the same residence in Royal Oak, Michigan.

10. A review of publicly available social media showed that Yellen appears to be a freelance photographer and has photographed and video-taped multiple youth female gymnastics events. Yellen appears to have received credit and accolades for attending and photographing multiple events over several years. Some of the events Yellen has photographed for include young, pre-pubescent males and females.

11. On or about June 1, 2023, a federal search warrant was executed at Yellen's residence in Royal Oak.

12. During the search warrant Yellen was interviewed and admitted that he possessed child pornography on his electronic devices in the home. Yellen stated that he used BitTorrent regularly but denied uploading or downloading child pornography. Yellen claimed that he had downloaded child pornography 10 years ago, has retained that child pornography, and did not know that the child pornography he continued to possess was available for download by others. Given his extensive use of BitTorrent, I do not believe that he was unaware that he had his files in a location that allowed for sharing with others.

13. Yellen denied producing child pornography but stated that he often surreptitiously photographed the bare feet of the children at the gymnastics academy he was employed by and at gymnastics events he attended as an official photographer. Yellen stated he would then masturbate to the images.

14. A computer with a connected hard drive was recovered from Yellen's residence and the hard drive had at least 1,500 files that were images of child sexual exploitation. At least 500 of the files met the federal definition of child pornography.

15. Three of the files that were manually reviewed are described below:

- a. ((Lolitaguy))...: The image depicts two adolescent females between 11 and 13 years of age lying on a bed with their legs spread and their vaginas exposed.
- b. Pedo-8yo...: The image depicts a prepubescent female around 10 years old performing oral sex on a pre-pubescent male.
- c. LSM-pthc...: The image depicts a prepubescent female under 10 years old lying on her side with her legs spread exposing her genitalia to the camera.

16. The hard drive contained the same 13 files I downloaded from IP address 69.14.114.235 on May 11, 2023.

17. The hard drive also contained a folder titled "BFK". During the recorded interview Yellen stated that "BFK" stood for "Barefoot Kids." The folder contained at least 200 images of the bare feet of children who attended Yellen's gym and gymnastics events.

18. During the recorded interview, Yellen admitted to being the only person who used the electronic devices seized from the residence.

CONCLUSION

19. Based on the foregoing, there is probable cause to believe **David Eric Yellen** has violated 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(B) (distribution and possession of child pornography).

Respectfully submitted,



Matthew R. Hughes, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. DAVID R. GRAND
UNITED STATES MAGISTRATE JUDGE

Date: June 2, 2023